

## Senate Bill 26

By: Senators Harp of the 29th, Smith of the 52nd, Stoner of the 6th, Adelman of the 42nd, Bulloch of the 11th and others

## A BILL TO BE ENTITLED

## AN ACT

To amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the local authorization and regulation of sales of alcoholic beverages on Sunday, so as to provide that in each county in which the sale of alcoholic beverages is lawful in such county and in all municipalities within such county in which the sale of alcoholic beverages is lawful, the governing authority of the county or municipality, as appropriate, may authorize the retail sale of malt beverages and wine at any time on Sundays if Sunday retail sales of malt beverages and wine are approved by referendum; to provide procedures; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the local authorization and regulation of sales of alcoholic beverages on Sunday, is amended by adding at the end thereof a new subsection to read as follows:

"(p)(1) Notwithstanding other laws, in each county in which the sale of alcoholic beverages is lawful in such county and in all municipalities within such county in which the sale of alcoholic beverages is lawful, the governing authority of the county or municipality, as appropriate, may authorize the retail sale of malt beverages and wine at any time on Sundays if Sunday retail sales of malt beverages and wine are approved by referendum as provided in paragraph (2) of this subsection.

(2) Any governing authority desiring to permit and regulate Sunday retail sales of malt beverages and wine pursuant to paragraph (1) of this subsection shall so provide by proper resolution or ordinance. Not less than ten nor more than 60 days after the date of approval of such resolution or ordinance it shall be the duty of the election superintendent of the county or municipality, whose governing authority approved that resolution or ordinance, to issue the call for an election for the purpose of submitting the question of Sunday retail sales of malt beverages and wine to the electors of that county or municipality for approval or rejection. The superintendent shall set the date of the election for a day not less than

30 nor more than 60 days after the date of the issuance of the call. The superintendent shall cause the date and purpose of the election to be published in the official organ of the county once a week for two weeks immediately preceding the date thereof. The ballot shall have written or printed thereon the words:

'( ) YES Shall the governing authority of (name of county or municipality) be authorized to permit and regulate retail sales of malt beverages and wine ( ) NO on Sundays?'

All persons desiring to vote for approval of Sunday retail sales of malt beverages and wine shall vote 'Yes,' and those persons desiring to vote for rejection of Sunday retail sales of malt beverages and wine shall vote 'No.' If more than one-half of the votes cast on the question are for approval of Sunday retail sales of malt beverages and wine, the resolution or ordinance approving such Sunday retail sales of malt beverages and wine shall become effective upon the date so specified in that resolution or ordinance. The expense of the election shall be borne by the county or municipality in which the election is held. It shall be the duty of the superintendent to hold and conduct the election. It shall be his or her further duty to certify the result thereof to the Secretary of State.

(3) Whenever Sunday retail sales of malt beverages and wine are authorized by a county or municipality pursuant to this subsection, Sunday retail sales of malt beverages and wine may be made only by licensed retailers.

(4) The provisions of this subsection are in addition to or cumulative of and not in lieu of any other provisions of this title relative to the retail sale of alcoholic beverages or the sale of alcoholic beverages for consumption on the premises."

## SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.